Mr. S. F. Nunez.—That is stretching the law too much. That period of 4 months implies that we should have very frequent meetings, and as we see now, there are so many resolutions which we are not able to finish which will lapse before the budget session. Let us have one more meeting before the budget session.

Mr. George Chakyamuri.—That will be contracting the law too much, if the other is expanding.

President.—I think we had enough discussion on the point. Dr. A. R. Menon may continue his speech.

The Municipal Regulation Amendment Bill.

Dr. A. R. Menon.—Sir, I have been telling the Council that the objects aimed at by all Municipalities were two in number:—one is to look after the sanitary condition of the people living in the Municipality, and the second is to protect the rate-payers against the traders and others outside the Municipal limits. Now, Sir, the mover has raised certain objections. What are they? The first objection that he raised was that a place like Trichur or Ernakulam is not like Madras or Bombay or any other big town. But we have evidence to prove that it is not only in Bombay and Madras, but also in other mofussil towns, even in towns of the size of Trichur, that these provisions of the Regulation are enforced. The second point he raised was that we had plenty of space for sanitary purposes within the Municipal areas. That is beside the point. It is not a question of want of space. It is to protect the Municipal people from infection from outside, also from unfair competition from the traders outside. The majority of the people who are influential and at whose instance the Bill had been brought forward are not concerned with the sanitary question. They are interested only in the commercial aspect of the question.

Another point raised was that, according to the democratic system of Government, he who pays the tax has a right to the vote and a right also to associate himself with the governing body. But, Sir, this is not a tax in the sense of a house-tax. It is a license. In other words, it is what is called an indirect tax. The tax is levied not upon the shop-keeper, but upon the man who consumes. It is collected from him through the agency of the shop-keeper. The house-tax is generally collected by the Municipality, whereas, in the case of the licensing fee, the Municipal authorities are not expected to go to the licensee and collect the fee. The Municipality will see that nobody runs a

LIBRARY ARCHIVES Kerala Legislative Assembly

trade without taking out a license. It is essential that, before anybody runs any of these "offensive and dangerous trades', he must get a license duly certified by the Municipality. The fact that unlicensed traders are not prosecuted always only shows that the Municipal authorities are negligent in their work. This licensing fee that is collected is not intended for the Municipal exchequer. The idea of the Regulation is this :—The public must be protected, and in order that their interest might be protected, sanitary authorities—Sanitary Inspectors—must be employed, and in order to meet the expenditure of employing them, this money is collected from the people who run these trades. Otherwise, the Municipality will be obliged to spend the Municipal money—money collected from the general population—for the sake of those people who enjoy tea and coffee.

Then, Sir, he raised a great point, and I think, that point, if well-founded, will influence this House. This tax, he said, is raised by the Municipality mainly for the purpose of utilizing it for the benefit of the Municipality. The intention and object was, under the guise of these sections, to raise money for paying Municipal Officers. The fact is, that from this source, the Municipality gets only about Rs. 1,400 or Rs. 1,500—not much more than the expenditure actually incurred for employing the special staff required for the purpose.

Now, Sir, it is only fair to point out that this law operates harmfully and cruelly upon the poor people, not only outside, but also, inside the Municipality. What I, therefore, suggest is that the Municipality should retain this power. It must have power either to give or refuse license to traders of this kind. But at the same time, by legislation, we must effect some amelioration in the present hard condition of the poor inside and outside the Municipality. There are two ways by which this could be effected. One is by reducing the license fees. The other is to make it obligatory on the part of the Municipality to issue licenses free in all deserving cases. If they are satisfied that all conditions have been fulfilled, the Municipality may be empowered to issue licenses free of charge. The object of that is, while it is safe for all poor people, we will be able to catch the people who are trading upon the Municipal area, taking unfair and undue advantage. In the schedule you will find a large number of items which require license. Some of them may be exempted from the payment of fees; or exemptions may be granted to petty traders in any of them. That, I think, will remove all legitimate grievances. You cannot ask the Municipality not to introduce the provisions outside

LIBRARY ARCHIVES Kerala Legislative Assembly

the Municipal area. The Village Panchayat have neither power nor staff to carry out this work.

Now, Sir, there is another aspect. It is a dangerous thing to simply come here and say, out of sympathy for a certain set of people 'you must remove these laws'. These laws were passed after due and mature consideration and deliberation, and at the same time, it has to be presumed, that those who framed the law have considered the various aspects of the question and have come to the conclusion that it is essential for the protection of the Municipality. And it is bad to come here and say simply that, because it might cause inconvenience to some, these laws should be removed. So I venture to appeal to this Council to consider these things and their relative merits, and endeavour to remove all the defects.

President.—Will you tell me what is the reason for fixing the limit at 3 miles? Will it not do if it is 2 miles?

Dr. A. R. Menon.—That is worth considering.

President.—Then the question arises why not have one mile.

Dr. A. R. Menon.—The object of the enactment should be kept in view, namely, that unfair advantage should not be allowed to be taken by vendors carrying on their trade within appreciable limits outside the town.

President.—There is this thing. Just in order to evade payment of a license fee, etc., they may go just beyond the Municipal limits and carry on all business.

Dr. A. R. Menon.—They do it in the Trichur Municipality even to-day.

President.—Therefore, that will depend upon the distance we fix. Suppose we fix 1 mile, how will the matter stand?

Dr. A. R. Menon —That also may be reasonable. One mile is a reasonable distance.

President.—The rule must, therefore, be exercised and enforced according to circumstances. And you may also suggest a plan. This power should not be left to the Chairman but to a Committee. As it is now, the power is vested solely in the Chairman.

Dr. A. R. Menon.—No, Sir. The Council passes a resolution, and the Chairman carries it out. The power is vested in the Council, and the Chairmen are not anxious to have it for themselves.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. Sankara Puduval.—Sir, I desire to add a few words of my own, in opposing this amending Bill. My friend the mover wants both the sections 156 and 172 of the Municipal Regulation to be deleted, so far as they affect "offensive and dangerous trades" carried on within the three mile radius. These provisions do not constitute a new feature of our Regulation. They are to be found in similar enactments all over India. A hue and cry was raised when the Trichur Municipality took action under section 156, a few months ago. Its provisions and the rules framed thereunder are said to press hard on petty traders. Obviously, the object of the section is to give a controlling hand to the Municipality in the conduct of these trades. It is necessitated on grounds of hygiene and sanitation, as also to avoid unhealthy competition between traders outside the Municipal area and those within it. A minimum distance of three miles has been fixed upon, in accordance with expert medical opinion.

The provisions of section 172 relate only to a few of such trades, and they have, under the existing law, to be enforced. Section 156 is optional. A Municipality may bring it into operation with the sanction of the Government. Schedule V printed at page 91 of the Regulation enumerates in clauses A to P, the different kinds of trades for which licenses have to be taken out under section 156. No license is required for storage of timber, firewood, thatching materials, hay, grass, straw, fibre or coal for private use. Section V does not fix the amounts of fees leviable for the issue of licenses. In regard to schedules I to IV, the amounts are fixed by the Regulation. The means of remedying hardships are available even now. It is not imperative that fees should always be levied when licenses are granted. I would read a few sentences from Mr. Doraswami Ayyangar's book on *The Law of Municipal Corporations*. (The member read a few sentences from page 406). It is eminently desirable that these trades should be controlled by the Municipal Councils. The grant of license is one thing; the levy of fees is quite another matter. If we insist that persons carrying on "offensive and dangerous trades" within three miles of Municipal limits should take out licenses, infringements of the rules published would render them liable for prosecution. If, on the other hand, people are allowed to carry on these trades, in any manner they like, abuses could not be checked and prevented. Section 156 lays down that, before its provisions are brought into operation, a notification should be published in the Gazette, sixty days in advance, and proclaimed by beat of drum. Government has the

LIBRARY ARCHIVES Kerala Legislative Assembly

power to alter, add to, or cancel in part, the schedule enumerating the various kinds of trades. Fees are levied only with the previous sanction of the Government, and after due publication in the Gazette and also locally. The authority of the Chairman in Council is always subject to revision by Government. The mover of the Bill has, no doubt, pointed out that Panchayats are invested with the power of controlling these trades. Hon'ble members know very well the qualifications for election of members to the Panchayat. I need hardly emphasise the fact that the exercise of these powers by the Chairman in Council, subject to supervision by the Government, would be more salutary and satisfactory than by the Panchayats under the Head of the Department.

The hardships complained of affect not only petty traders outside Municipal limits, but also those within the Municipality. It is only fair that redress should be given to all alike. But the Bill leaves petty traders within the Municipality, severely alone.

Dr. A. R. Menon.—They have no voice in the Municipality.

Mr. A. Sankara Puduval.—The necessary safeguards exist even now. The law should be administered with sympathy and mercy. The levy of license fees within the three mile-radius, should not be made a source of profit to the Municipality; the aim should be to collect as much money as may be necessary to meet the expenses of supervision. No trade should be allowed to be carried on in an objectionable manner, injuring the health of the people around and tending to disseminate disease. It is a mistake to suppose that people living outside Municipal limits derive no benefit from the Municipality. The health of the Municipality, and the prosperity of its residents would materially affect those residing in the vicinity, and *vice versa*. It is the duty of the Government to see that traders within the Municipality are driven to the wall, by unhealthy competition, from their neighbours more favourably placed. It has also to be borne in mind, that, in regard to the bigger trades, if the incidence of taxation be not made even, traders would naturally be tempted to carry on their occupation outside Municipal limits. Such migrations retard the progress of the Municipalities, and ought to be prevented.

A classification of the various trades into different grades for purposes of levying fees and exemption from the payment of fees in cases of petty trades would, I think, grant adequate relief. A low minimum and reasonable maximum should be fixed by the Government, always bearing in mind that the total

LIBRARY ARCHIVES Kerala Legislative Assembly

collections should approximate the necessary amount of expenditure for supervision and other incidental charges. With these observations, I beg to oppose the motion.

Mr. T. A. Ramachandra Ayyar.—The Hon'ble Member for Irinjalakkuda just now said that we should not at all bring amendments to the Regulations which are in existence because they had been considered properly and passed. I say that they are more or less copies of the enactments in British India or the sister State. Sir, in rising to support the very desirable amendment so ably proposed by the Hon'ble Member for Urakam, I have only to speak a word or two. Even in copying an enactment of another administration, much discretion has to be used, whereby the provisions that are not required for certain particular localities could safely be omitted. Sections 156 and 172 of the Cochin Municipal Regulation XI of 1096 remind me of the late Lord Morley's fur-coat-affair. They also remind me of the old cry of the chivalrous Americans—"no taxation without representation". A resident of the locality who is taxed under this section enjoys no benefit whatever of the Municipal administration, but is exposed to every species of taxation and annoyance. Even minor industries working without adequate profits and petty trades stand a fair chance of being ruined by putting into operation the sections under reference. Even charitable institutions as choultries are taxed by this Bill. The merchants and manufacturers in this area have to pay all sorts of taxes like their brethren with the Municipal limits, but are denied the benefits of sanitation, conservancy, lighting and even the rudimentary inexpensive franchise, enjoyed by the town-folk. Is not this sort of differential treatment—meted out to a people under one and the same Maharaja by no less an institution than the local self-government body, as iniquitous as it is unjust?

We in Cochin now have but small towns which could well be brought within town-limits, if so needed. There is no necessity, whatever, to include at present the outlying villages outside the towns, with a population hardly worth mention. Further, there might arise occasions for conflict of authorities, the Panchayats, Rural Sanitary staff, Fishery Inspectors, Boiler Inspectors and a host of others coming in, in almost all these places to exercise their respective authority. The vexatious and abortive prosecutions of several ignorant persons under this section, by the Trichur Municipal Council, and the deputations that waited on the Diwan are still fresh in the memory of several, even in this House.

LIBRARY ARCHIVES Kerala Legislative Assembly

I shall now pass on to certain intelligent observations made by some of the speakers in this House on the matter. The mover of the amendment, as the Hon'ble Member for Irinjalakkuda put it, presented his case very ably, and he will be entitled to the thanks of the several villagers whose cause he espoused. But I do not agree with my friend on the left when he said that the Hon'ble Member for Urakam had a weak case. The case is as strong as, if not stronger than, the opposition of the Hon'ble Irinjalakkuda Member. The rich and the poor should exist both within and without the Municipality, and it is certainly the poor in all instances who deserve more kindly treatment. In the course of his long experience as Municipal Chairman, the Hon'ble Member for Irinjalakkuda could lay his hand only on a single case of a mutton merchant, and that in itself justifies the need for accepting the amendment under reference, whereby the poor inside and outside the Municipality would be benefited.

Again the basis of his opposition was built more on suppositions, assumptions and conditions so as not to warrant acceptance of the same in all seriousness. Further, it is the Village Panchayats that deserve better encouragements than the Municipalities, and their (Village Panchayats) legitimate rights should not be allowed to be snatched away from the Municipality. The Hon'ble Law Member here, I am sure, will enlighten the House whether the Village Panchayats have not got the power to exercise the rights now claimed by Municipalities in case the time comes here for exposing the fact that the Municipality could not legally interfere in this matter. If they persist in their demand, say a furlong or two might quite suffice.

Mr. C. A. Ouseph.—I wonder whether it is not rapidly becoming the fashionable way of opposing a motion to say "I really sympathise with the spirit of the motion. But as for carrying it 'No'". That is what we have already seen in regard to certain motions moved on the floor of this House. That is what struck me when I heard the Hon'ble Member for Irinjalakkuda on this Bill. The Hon'ble Member is quite in sympathy with this Bill, but as for carrying it, he says 'No'

Dr. A. R. Menon.—I did not say "No".

Mr. C. A. Ouseph.—Yes, he did.

Dr. A. R. Menon.—I deny that.

Mr. C. A. Ouseph.—The spirit of what he said was that he was in sympathy, but he was not for carrying the motion.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dr. A. R. Menon.—Various interpretations and modifications can be made of what I have said. When I say a thing, I mean it.

Mr. C. A. Ouseph.—I suppose that is generally the case with all others. I cannot agree with what the Hon'ble Member for Irinjalakkuda said. Before dealing with the points raised by him, I may read out certain passages from the same book which my friend, the Hon'ble Member for Trichur, referred to, namely "*Municipal Corporations*" by P. D. Ayyengar. At page 365 we read :—

"Licenses are issued for regulating and keeping under control certain dangerous and offensive trades and a fee is levied to cover the cost of supervision of the same".

Mark the words "To cover the cost of supervision of the same". Hence license fee is not regarded as a source of a revenue. Then page 635 :—

"A license fee which is collected by a Municipal authority is for the purpose of enabling it to exercise control over the particular trade. It is not in the nature of a tax".

Again at page 406: —

"Municipal Corporations are usually empowered by statute to collect license fees sufficient to cover all expenses of license, inspection and supervision".

And at page 633,

"The Municipal authorities have discretion whether to grant a license or not, and their discretion, if properly exercised, is not capable of being controlled by a court of law. The power to grant a license would also include the power to refuse a license".

The Municipal authorities may refuse to grant a license. That act cannot even be questioned in a court of law unless the refusal of the license is attended with *mala fides*, which, in most cases, will be almost impossible to establish. It is made a point of attack on the motion that trades are started outside Municipal limits because of the imposition of license fees within the Municipal area. I fail to see any trade that is being carried on outside the Municipal limits of Ernakulam, Trichur or Chittur which has cropped up in those places because of the imposition of the license fee within the Municipal areas. My friend who spoke against this motion has not been able to point out a single instance of trades having cropped up because the Municipalities began to levy taxes in the towns. The Hon'ble Member for Irinjalakkuda

LIBRARY ARCHIVES Kerala Legislative Assembly

referred to the existence of some tile factories outside the Trichur Municipality. These tile factories came into existence long before Municipalities were contemplated by the Government. The tile factories near Trichur have been in existence during the last 30 or 40 years, so that I submit there is no argument in saying that the fact that the Municipality taxed the people who carried on such trades within the Municipal area had the effect of driving such trades into localities outside. My friend the Hon'ble Member for Mattancheri will bear me out when I say that no trader would go away from Mattancheri and start business outside, because he was asked to take a license. He would have no business at all in that case. One who maintains that a trader will transfer his trade to localities outside the Municipality for the reason that he has to take out a license to carry on the trade within the Municipal area, does not know the controlling factors of trade. It is in busy towns that business can thrive. It is the poor, the penniless trader that carries on business outside the towns. As for tile factories, it is the soil outside the towns, the soil of the paddy fields, that is best suited for that purpose. You can't get such soil in the towns, and the ground value in towns is enormous. In Viyyur near Trichur suitable clay is available. So also in Ollur. So that, naturally, tile factories grew up in these localities. Hence it is not true to say that the system of levying license fee operates unfairly against the traders sticking to the towns, or that this fee leads on to an unfair competition between traders in the towns and those outside. I do not know of any trade carried on outside Trichur that is in a flourishing condition, the tile factories excepted. If trade is seen flourishing just outside the Municipal limits, what Municipalities generally do is to extend the Municipal limits to cover that trading area. This certainly is a good and effective weapon which Municipalities can make use of. It has also been stated that license fees levied by Municipalities would also be a source of income.

Dr. A. R. Menon.—I never said it was a source of income.

Mr. C. A. Ouseph.—I have taken notes. These are his points:—To prevent infection; as a source of income; and to stop unfair competition. He said that it is a source of income. I have shown that it is nowhere intended as a source of income.

Dr. A. R. Menon.—I never said that it was a source of income. I do seriously object to this misquoting. Otherwise I would not have interrupted him.

Mr. C. A. Ouseph.—He did say that it was a source of income.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dr A. R. Menon.—No. It is a deliberate misrepresentation.

Mr. C. A. Ouseph.—Big words and much noise do not always carry sense. I have shown that the levy of fees for licenses as a source of income cannot be justified. As for unfair competition, I have shown that the trades that we see outside Trichur had been there for nearly half a century. I ask those who are in the know of things whether these trades are burdened with license fees on the ground that they are likely to import infection into the Municipal areas. We have not been lately having contagious diseases on any appalling scale. It will indeed be useful to give some power to the Municipalities to be utilised when there is real danger of any contagious disease being imported into the Municipal area from trades that are carried on in the vicinity. For these reasons I support the motion.

Dr. A. R. Menon—.May I know the attitude of the Government in this matter?

President.—The attitude of the Government will be according to the opinion of the non-officials.

Mr. C. A. Kunjunni Raja.—I move that the question be now put before the House.

Dr. A. R. Menon.—There is the legal aspect of the question. We are poor lay-men, and you cannot expect us to know the different aspects involved in the Bill.

President.—It is open to the Legislature to consider these and these are questions of facts.

Mr. C. A. Kunjunni Raja.—Sir, I move that the question be now put.

Mr. N. Padmanabha Menon.—Sir, I second it.

Mr. T. A. Ramachandra Ayyar.—It need not be seconded as per the rules.

President.—Then it may be ignored.

The motion was put to votes and carried.

Mr. E. Ikkanda Wariar.—I have to say a few words in reply. I have been closely following the discussion, especially the criticisms offered by those who opposed my Bill. So far as I have understood them, I do not think they have suggested any fresh reasons for retaining these provisions. To put it shortly, they resolve themselves into this:—The offensive trades should be controlled by some sanitary law. They should be subjected to frequent inspections by some sanitary authorities. If this is

LIBRARY ARCHIVES Kerala Legislative Assembly

admitted to be the only object, then the question of unfair competition, the amount that they will be able to realize as license fees and all such things will not matter much. So far as the selling of unwholesome food, etc., are concerned, I think the Panchayats have got enough powers and a sense of their responsibilities to see that the food sold within the Panchayats is wholesome. I am glad that the members who opposed my Bill have accepted my position that the Panchayats have powers to regulate the offensive trades carried on within their limits. The only objection raised was that the Panchayats have not got the machinery to work those powers. The rules framed under the Panchayat Regulation give sufficient power to the Presidents of the Panchayats to appoint such officers as are necessary to carry on the objects of the Panchayats. If the imperfect machinery or the small staff, which at present exist, cannot cope with its legitimate work, it can be strengthened by the President to carry on his duties. So, if the license fees are levied, not for fiscal purposes, but for regulating the offensive trades, then there is absolutely no necessity for this provision in this Regulation, since the Panchayats are also invested with those powers, and as there are Panchayats all round the Municipalities. It was said by the Hon'ble Member for Irinjalakkuda that we must think well before making any change in the present Regulation on the ground that it must be deemed to be the result of the considered opinion of the legislators responsible for the same. In reply to this, I will only draw the attention of the House as to how our laws were made before the Legislative Council came into existence. In fact, it was used to be faithfully copied from the Acts of the British India. You will find from a perusal of the Regulation of 1085 that there was no provision as regards the collection of license fees from outside the Municipal limits. Lately, the Madras Municipal Act, following other places, introduced this provision into it, and soon after that, we also, in the natural course of things, followed it. Our clerks copied it from the British Acts. Nobody else is responsible for it. The people never knew about it till it was actually enforced. Then they came forward with their complaints and protests, and it was said that they were too late.

President.—Did not the Government publish the Regulation in the Government Gazette? And was there no public discussion about the matter?

Mr. E. Ikkanda Wariar.—Yes, Sir, the Government published it, but there was no public discussion about it. The public are not accustomed to it. In fact, there never had been

LIBRARY ARCHIVES Kerala Legislative Assembly

an occasion in which the public has taken advantage of the publication in the Gazette to make valuable suggestions before the Legislative Council came into existence.

Mr. A. B. Salem.—So, before this Council came into existence, did not the Government publish the draft Regulations and invite public criticisms before it was taken up for consideration?

Mr. E. Ikkanda Wariar.—Of course, draft Regulations were published in the Gazette.

Mr. A. B. Salem.—I want to know whether the Hon'ble Member himself sent any criticisms to this effect. This Regulation of 1096 was published in the Gazette, and public criticisms were invited. And did you send any criticisms in respect of that?

Mr. E. Ikkanda Wariar.—No, I did not, and in this I followed the majority.

Then, as regards the point raised about unfair competition I think, the Hon'ble Member for Chalakkudi has very ably answered it.

As regards the agitation made by interested people and all that, I think there is not much force in that argument. Persons interested in this matter and who bear this unjust burden will naturally agitate for its repeal.

There is also no force in the argument that some of the rich timber merchants of Ollur lead the agitation. It is only natural and only in the fitness of things that the rich take up the cause of the poor and lead the agitation. In the Trichur Municipality some of them represented the grievances of the poor, but to no effect. If I remember right, a demonstration was also held at the gate of the then Chairman by a large number of poor people from Ollur and other places. Representations were also made to the Government. But they all proved to be cries in the wilderness.

Mr. A. B. Salem.—May I know whether the Hon'ble Member is a member of the Trichur Municipality?

Mr. E. Ikkanda Wariar.—I am now a member, but I was not a member then. As regards the discussion on the distinction between tax and licens:, I submit, it is only of an acadamic interest.

As regards the suggestions made by my Hon'ble friend, the Member for Irinjalakkuda, I have to say a few words, but

LIBRARY ARCHIVES Kerala Legislative Assembly

since I find that there seems to be a general desire among the members to refer this Bill to a Select Committee, and since, in deference to that wish, I am not going to request the President to suspend the Standing Order 32, I propose to place my views on them before the Select Committee. With these few words, I commend this Bill for the consideration of the Members of this House.

The motion to introduce the Bill was put to votes and carried.

The Council Secretary read the title of the Bill.

Mr. E. Ikkanda Wariar.—I beg to move that the Bill be referred to a Select Committee.

President.—You may nominate the Members for the Select Committee.

Mr. E. Ikkanda Wariar.—The Bill may be referred to a Select Committee consisting of Messrs. C. N. Ittiravi Nambudiri, C. A. Ousep, C. Achyuta Menon, Dr. A. R. Menon and A. Sankara Puduval.

Mr. T. K. Krishna Menon.—As per S. O. No. 31, the Official Member in charge of the Department concerned and the mover will also form part of the Select Committee.

Mr. E. Ikkanda Wariar.—The Official Member in charge of the subject and the mover himself will also form part of the Select Committee.

Dr. A. G. Menon.—I beg to second it.

President.—So the motion to refer to the Select Committee has been made and seconded.

Diwan Bahadur Dr. V. Verghese.—I should like to know the members already nominated.

Mr. T. K. Krishna Menon.—Messrs. C. N. Ittiravi Nambuidiri, C. A. Ouseph, C. Achyuta Menon, A. R. Menon, A. Sankara Puduval, E. Ikkanda Wariar and P. Damodara Menon.

Mr. C. A. Kunjunni Raja.—I beg to call attention to S. O. No. 33 (1) in which it is specially stated that the name of the official cncerned and the mover need not be included in the motion.

The motion was then put to the vote of the House and was carried.

President.—The Council has agreed to refer the matter to a Select Committee, and the Committe has been appointed, and the Council may direct that the report of the Committee be submitted within a specified time.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. E. Ikkanda Wariar.—The President or the Council has the power to do it.

President. The Council has to do it. The report will be submitted through the direction of the Council and carried.

Mr. A. B. Salem.—Is it not open to us to move that the report be submitted within a specified period? I do not wish to draw the attention of anybody. This is not a power to be exercised by the mover alone. What we want is the direction of the House and such direction is given by the motion.

Mr. E. Ikkanda Wariar.—I beg to move that the Committee may be directed to submit the report within three months from this date.

Mr. A. B. Salem.—Sir, I second it.

The motion was put to the vote of the House and was carried.

President.—Now the next thing to be conformed to is what is laid down in clause 3 of the Standing Order 31 that the President shall nominate one of the members as Chairman. I nominate Mr. C. Achyuta Menon as Chairman. We have nothing more to do till the report is received. Now let us continue the discussion on the resolution regarding the Cosmopolitan Hostel.

The Establishment of a Cosmopolitan Hostel.

Mr. C. A. Kunjunni Raja.—Sir, I beg to move "*To insert the words 'residential quarters in' between 'separate' and 'students' and to add at the end 'with separate dining halls and kitchens for different communities.*"

Sir, at a particular stage in the development of civilisation, almost all human communities happen to be organised on the basis of status. Societies built on the old basis of status have almost invariably the authority or religion enlisted on behalf of their class division and caste institutions. With the help of the progressive forces of advancing civilisation, societies rise above the rigid control of settled status, and the very same religion is used to help on the advancement towards a fuller recognition of popular equality and personal freedom. But every step in the advancement of civilisation has to be in place as well as in times. Although the old order very often changes giving place to new, it does not follow that the former is always altogether wrong or that the latter altogether right so as to be incapable of any change for the better. In the time and place suited for the new order the old order would surely be very inappropriate and even harmful. Of course, this must hold true *vice versa* also.

LIBRARY ARCHIVES Kerala Legislative Assembly